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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,902	10/12/2001	Steven L. Fogle	10016278 -1	1158

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EXAMINER

CAO, CHUN

ART UNIT	PAPER NUMBER
2115	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/975,902	Applicant(s) FOGLE ET AL.	
	Examiner Chun Cao	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-16,18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

1. Claims 1, 3-9, 11-16 and 18-25 are presented for examination.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Claim Objections

3. Claim 25 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. A computer system is claimed in claim 16, however claim 25 dependences on the program embodied in a computer readable medium.
4. The rejection for claims 1, 3-9, 11-16 and 18-22 are respectfully maintained to the extended that is applicable to the amended claims and reproduced hereinbelow for applicant's convenience.
5. Claims 1, 3-9, 11-16 and 18-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Naito (Naito), U.S. patent no. 5,875,345.

As per claim 1, Naito teaches a method of controlling access to functionality of a computer system [fig. 4], comprising:

monitoring a plurality of operating system messages in the computer system for a message indicative of user activity [col. 8, lines 40-44, 59-65; col. 9, lines 29-35];

entering a powersave mode after a first predetermined activity timeout duration has elapsed during which no user activity is detected, the powersave mode reducing an amount of electrical power consumed by a component of the computer system [col. 3, line 63-col. 4, line 2; col. 4, lines 15-17];

entering a lock mode after a second predetermined activity timeout duration has elapsed during which no user activity is detected, following entry into the lock mode, the lock mode restricting use of the computer system until a specified security input is input into the computer system [col. 4, lines 15-23, 44-46; col. 10, lines 7-9]; and

wherein, following entry into the powersave mode but before the second predetermined activity timeout duration has elapsed, a user action other than the specified security input reactivates the computer system for use from the powersave mode [col. 4, lines 21-23; col. 10, lines 21-24].

As to claims 3 and 4, inherently, Naito teaches of running a user action timer and resetting the user action timer upon detection of user activity [col. 9, lines 9-11, 61-65].

As per claim 5, Naito teaches of logging a current time for comparison against a subsequent time to derive an elapsed time during which no user activity is detected [fig. 5; col. 9, line 63-col. 10, line 3].

As per claim 6, inherently, Naito teaches of the first activity timeout duration and the lock activity timeout duration are user definable [col. 1, lines 59-60; col. 4, lines 27-30].

As per claim 7, Naito teaches that the powersave mode is a standby mode during which contents of a volatile memory of the computer system remain volatile [col. 1, lines 56-58; col. 2, lines 56-60].

As per claim 8, Naito teaches that second activity timeout duration is greater than the first activity timeout duration [col. 3, line 64-col. 4, line 4; col. 9, lines 63-66].

As per claim 23, Naito teaches of generating a user interface that allows a user to separately disable the entry [a user programmable value] into the powersave mode and the entry into the lock mode [col. 4, lines 25-31; col. 10, lines 4-6].

As to claims 9-15 and 24, Naito teaches the claimed method of steps. Therefore, Naito teaches the claimed program embodied in computer readable medium for carrying out the method of steps.

As to claims 16-22 and 25, Naito teaches the claimed method of steps. Therefore, Naito teaches the claimed system for carrying out the method of steps.

6. Applicant's arguments filed on 2/3/2005 have been fully considered but are not persuasive.

7. In the remarks, applicant argued in substance that **Naito** does not disclose or suggest of monitoring operating system messages in the computer system for message indicative of a user activity.

8. The examiner respectfully submits that applicant's position is not persuasive. Naito teaches of monitoring operating system messages in the computer system for message indicative of a user activity [col. 8, lines 40-44, 59-65; col. 9, lines 29-35,

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emphasis added, "during the normal operation of the OS ..., monitors the user input..."].

Also see rejection above.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP '

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chun Cao

Feb. 22, 2005